

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

PROMESA
Title III

No. 17 BK 4780-LTS

Re: Dkt. Nos. 889, 891

**This Joint Motion Relates Only to
PREPA and Shall be Filed in Both
the Lead Case No. 17 BK-3283-LTS
and in PREPA's Title III Case No.
17 BK 4780-LTS**

**JOINT MOTION FOR EXTENSION OF DEADLINES IN CONNECTION
WITH MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND
FOR A RULING THAT A JUDGMENT BASED ON A CLAIM ARISING
FROM THE TAKING OF PROPERTIES WITHOUT JUST
COMPENSATION IS NOT SUBJECT TO REDUCTION OR
COMPENSATION IN BANKRUPTCY**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority ("AAFAF"), on behalf of

¹ The Debtors in the jointly-administered Title III cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (iv) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

the Puerto Rico Electric Power Authority (“PREPA”) pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017, and the estates of Gabriel Fuentes Vázquez and Evangelina Benejam, composed by Gabriel, Jorge L., and José Ricardo Fuentes Benejam (the “Movants”), by and through their undersigned counsel, respectfully submit this joint motion for entry of an order, substantially in the form attached hereto as Exhibit A, extending the deadlines in connection with the *Motion for Relief from the Automatic Stay and for a Ruling that a Judgment Based on a Claim Arising from the Taking of Properties Without Just Compensation Is Not Subject to Reduction or Compensation in Bankruptcy* [Case No. 17-4780, Dkt. No. 889] (the “Lift Stay Motion”) filed by the Movants.² In support of this joint motion, AAFAF and the Movants respectfully state as follows:

BACKGROUND

On June 28, 2018, the Movants filed the Lift Stay Motion seeking relief from the automatic stay under section 362(d) of title 11 of the United States Code. Specifically, the Movants request a modification of the stay in order to continue their eminent domain action in the Court of First Instance of Puerto Rico, Superior Section of San Juan against PREPA in Case No. KEF 2007-0753 and a finding that a judgment based on a claim arising from the taking of properties without just compensation is not subject to reduction or compensation in bankruptcy.

Pursuant to this Court’s order entered on June 28, 2018, opposition papers to the Lift Stay Motion must be filed by July 12, 2018, and reply papers must be filed by July 19, 2018 [Case No. 17-04780, Dkt. No. 891].

² The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtors’ representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), 48 U.S.C. §§ 2101-2241, has authorized AAFAF to file this joint motion on behalf of PREPA.

The parties are engaged in discussions that may resolve the Lift Stay Motion in its entirety, but they need additional time to reach an agreement. In consideration of the foregoing, AAFAF and the Movants have agreed to a fourteen-day (14) extension of the applicable deadlines in connection with the Lift Stay Motion.

AAFAF submits that no party or creditor will be prejudiced by this extension.

RELIEF REQUESTED

By this motion, AAFAF and the Movants request a fourteen-day (14) extension of the applicable deadlines. AAFAF and the Movants request entry of an order extending the deadlines as follows:

- Any objection to the Lift Stay Motion shall be filed by **July 26, 2018**.
- Any reply shall be filed by **August 2, 2018**.

WHEREFORE, AAFAF and the Movants respectfully request the Court to enter an order, substantially in the form attached hereto as **Exhibit A**, (a) granting the joint motion and (b) granting such other relief as is just and proper.

Dated: July 11, 2018
San Juan, Puerto Rico

Respectfully submitted,

THE ESTATES OF GABRIEL FUENTES
VÁZQUEZ AND EVANGELINA BENEJAM,
composed by GABRIEL, JORGE L., and JOSÉ
RICARDO FUENTES BENEJAM

By their attorney,

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THE PUERTO RICO FISCAL AGENCY
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Exhibit A
Proposed Order

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.¹

PROMESA
Title III

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PROMESA
Title III

No. 17 BK 4780-LTS

Re: Dkt. Nos. 889, 891

**This Order Relates Only to PREPA
and Shall be Filed in Both the Lead
Case No. 17 BK-3283-LTS and in
PREPA's Title III Case No. 17-BK-
4780-LTS**

**ORDER GRANTING JOINT MOTION FOR EXTENSION OF DEADLINES
IN CONNECTION WITH MOTION FOR RELIEF FROM THE
AUTOMATIC STAY AND FOR A RULING THAT A JUDGMENT BASED
ON A CLAIM ARISING FROM THE TAKING OF PROPERTIES
WITHOUT JUST COMPENSATION IS NOT SUBJECT TO REDUCTION
OR COMPENSATION IN BANKRUPTCY**

Upon the Joint Motion for Extension of Deadlines in Connection with Motion for Relief

¹ The Debtors in the jointly-administered Title III cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (iv) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

from the Automatic Stay and for a Ruling that a Judgment Based on a Claim Arising from the Taking of Properties Without Just Compensation Is Not Subject to Reduction or Compensation in Bankruptcy (the “Extension Motion”)² and the Court having found it has subject matter jurisdiction over this matter pursuant to PROMESA section 306(a); and it appearing that venue is proper pursuant to PROMESA section 307(a); and the Court having found that the relief requested in the Extension Motion is in the best interests of the Debtors, their creditors, and other parties in interest, it is **HEREBY ORDERED THAT:**

1. The Extension Motion is granted.
2. Any objection to the Lift Stay Motion shall be due on **July 26, 2018**.
3. Any reply shall be due on **August 2, 2018**.
4. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.
5. This Order resolves docket entry no._____.

SO ORDERED.

Dated: _____, 2018
San Juan, Puerto Rico

LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Extension Motion.